UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/C.12/1/Add.12
20 May 1997

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee
on Economic, Social and Cultural Rights

ZIMBABWE

1. The Committee considered the initial report of Zimbabwe (E/1990/5/Add.28), at its eighth, ninth, tenth and fourteenth meetings, on 2, 5 and 7 May 1997 (E/C.12/1997/SR.8-10 and 14) and, at its 25th meeting, on 15 May 1997, adopted the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for the submission of its initial report, prepared in partial conformity with the Committee's guidelines, and for the written replies, albeit incomplete, to the list of questions made available to it before the session. The Committee notes that the report provided information that was excessively general in content and that very few statistics were provided. The delegation indicated that it would endeavour to obtain some of the missing information for the Committee's consideration before the end of the session, but, unfortunately, this information was not received. In this connection, the Committee welcomes the offer of the delegation to furnish further and precise written information.

3. The Committee regrets that no official experts came from Harare, so that with respect to many points the delegation was unable to provide specific answers to the questions posed by Committee members. Notwithstanding the aforementioned, the Committee expresses its appreciation for the frankness of the dialogue and the clear admissions made by the delegation, which recognized that there are numerous

deficiencies that must be corrected. In this connection the Committee is sensitive to the historical legacy of Zimbabwe and acknowledges the efforts towards democratization and good governance.

B. Positive aspects

4. The Committee welcomes the fact that Zimbabwe adhered to the Covenant without any reservations. It notes that Zimbabwe has ratified several human rights instruments, including the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

5. The Committee welcomes the publicity given to the Covenant, its publication in the Official Gazette and in parliamentary journals and the public nature of parliamentary discussions on the Covenant.

6. The Committee welcomes current legal moves in Zimbabwe to bring all workers under a new consolidated labour law.

C. Factors and difficulties impeding the implementation of the Covenant

7. As to the status of the Covenant in domestic law, the Committee notes that it cannot be invoked directly before Zimbabwean courts, notwithstanding the assurances given by the delegation that its principles are generally reflected in domestic law.

8. As to domestic monitoring of respect of economic, social and cultural rights, the Committee welcomes the establishment of the Office of the Ombudsman, but regrets that the defence forces, the police and the prison service are specifically excluded from being the subject of investigation, as are the President and members of his staff, the Cabinet Office, the Attorney-General and judicial officers. Moreover, the Ombudsman has no power of initiative and can only initiate an investigation where a complaint has been lodged.

D. Principal subjects of concern

9. The Committee regrets that the State party has not provided written answers to the Committee's questions relating to the implementation of articles 10, 11, 12, 13 and 15 of the Covenant (questions Nos. 36 to 55 and 57 on the Committee's list of issues) and that during the oral presentation by the delegation and during the dialogue with Committee members little additional information and no statistics were forthcoming.

10. Despite the Government's stated policy of de jure equality of men and women, the Committee views the situation of women in Zimbabwean society, particularly in rural districts, as very unsatisfactory. It is concerned about de facto discrimination against women, attributable to traditional practices such as arranged marriages of children and forced marriages of widows with a late husband's brother. Such practices are incompatible with article 3 of the Covenant.

11. The Committee regrets that, pursuant to the Constitution of Zimbabwe, public servants, teachers and nurses cannot join unions, and that doctors and nurses who have organized strikes have been subjected to arrest and dismissal.

12. The Committee is concerned about the continued use of child labour, as indicated in paragraph 76 of the State party's report. Such practices are in contravention of article 10 of the Covenant.

13. Despite the fact that the "extended family" provides a safety net for some of the homeless, the Committee notes that the situation in relation to the right to housing remains clearly inadequate. The Committee is particularly concerned about the precarious situation of persons living in illegal structures or unauthorized housing (para. 107 of the report). Persons should not be subjected to forced eviction unless this is done under conditions compatible with the Covenant.

14. The Committee expresses concern about cutbacks in educational expenditure, which result in non-compliance with article 13, paragraph 2 (a) of the Covenant, requiring free, compulsory and universal primary education.

E. Suggestions and recommendations

15. The Committee draws attention to the obligations of Zimbabwe to ensure that its undertakings under the Covenant are appropriately reflected in domestic law and policy and urges the Government to provide appropriate access to the courts to uphold the relevant rights.

16. Although many provisions of the Covenant are to be implemented progressively and in accordance with the maximum of the State party's available resources, there are other rights that must be ensured immediately, such as de jure non-discrimination and protection of the cultural rights of minorities.

17. The Committee urges that priority be given to the promotion of the role of women in society, and an end to all de facto discrimination against them. In particular, it recommends that programmes should be introduced with a view to redressing the imbalances in the status of women in society, particularly in rural districts.

18. Despite the measures referred to in paragraph 5 above, the Committee notes that no measures have been taken to inform the public about the Covenant. Therefore, the Committee urges the State party to undertake an appropriate information campaign to acquaint the public, and well as government officials at all levels, with its provisions. The Committee also recommends that education programmes be extended in order to increase awareness of the provisions of the Covenant throughout society and to ensure its application in the judicial process, as well as its observance by law enforcement agencies.

19. With regard to article 8 of the Covenant, the Committee welcomes the State party's intention to consider ratification of the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98), and the ILO Labour Relations (Public Service) Convention, 1978 (No. 151). The Committee urges the State party to harmonize its labour laws with them as soon as possible. In particular, the Committee would welcome information on what steps have been taken to reinstate or compensate medical workers who were recently dismissed because they organized a strike.

20. The Committee recommends that a constitutional reform be undertaken to allow public servants, teachers and nurses to organize in unions, in keeping with article 8 of the Covenant, and to enable them to bargain collectively and to strike.

21. The Committee recommends that appropriate measures be taken in order more effectively to guarantee the right to housing and, in particular, to ensure that no forced evictions are carried out without alternative housing being offered, in accordance with the Committee's General Comment No. 4 (1991). It would also like to receive further information on the number of forced evictions carried out and on the application of article 11 of the Covenant in Zimbabwe, in particular with respect to the right to housing.

22. The Committee reminds the State party that, as a signatory to the Covenant, it is committed to ensure compulsory, free primary education to all children in Zimbabwe. Even though the Committee is aware of the current difficulties in Zimbabwe and the State party's efforts in this field, the Committee invites Zimbabwe to submit to it within a year a plan of action and a progress report as to the implementation of this obligation.

23. Bearing in mind that members of the Committee requested specific information that was not provided during the examination of the State party's report, in particular on the cultural situation and the participation of minority groups in cultural life, the Committee urges the State party to submit the requested additional information and statistics within three months of receipt of the Committee's concluding observations, and in any event prior to the Committee's seventeenth session.

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